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In re Application of	:	
SCHUNDLER	:	
Application No.: 10/595,111	:	
PCT No.: PCT/US04/27142	:	
Int. Filing Date: 19 August 2004	:	DECISION
Priority Date: 20 August 2003	:	
Att. Docket No.: 5579 103UA 20879 USA	:	
For: DISTRIBUTED CALL CENTER	:	
SYSTEM AND METHOD FOR...	:	

This is a decision on applicant's "PETITION...UNDER 37 CFR 1.137(b)" filed in the U.S. Patent and Trademark Office (USPTO) on 10 October 2006.

**BACKGROUND**

On 19 August 2004, applicant filed international application No. PCT/US04/27142 which claimed a priority date of 20 August 2003, and which designated the United States. The 30 month deadline for submission of a copy of the international application (unless previously communicated by the International Bureau) and payment of the basic national fee was set to expire on 20 February 2006.

On 17 February 2006, applicant filed a transmittal letter for entry into the national stage in the United States. The submission was not accompanied by the basic national fee.

On 10 August 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the basic national fee prior to the expiration of 30 months from the priority date.

On 10 October 2006, applicant filed the present petition which was accompanied by the requisite petition fee.

**DISCUSSION**

A petition under 37 CFR 1.137(b) requesting that an application be revived on the grounds of unintentional delay must be filed promptly after the applicant becomes aware of the

abandonment and such petition must be accompanied by: (1) the proper reply; (2) the requisite petition fee; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional; and (4) for applications having an international filing date before 08 June 1995, a terminal disclaimer and fee.

A review of the application file reveals that applicant has satisfied items (2) and (3), and that item (4) is not required.

With respect to item (1), a review of the application file, and specifically the present submission, reveals that applicant still has not submitted the basic national filing fee. Therefore, revival of the application would not be proper at this time.

Applicant should note that a review of the application file also reveals that applicant has not submitted a declaration of the inventor under 37 CFR 1.497, and that failure to file such in response to this decision will result in further delays in prosecuting the application.

### **CONCLUSION**

For the reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". No additional petition fee is required.

A proper response must include the requisite basic national fee. Applicant should note that failure to timely submit the basic national fee in response to this decision could result in a requirement for additional evidence in support of a holding that the entire delay was unintentional. A proper response should also include a declaration of the inventor under 37 CFR 1.497 to avoid further delays in prosecuting the application as discussed above.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Mail Stop PCT, PO Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration.



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